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S. 1 Crime, Letter to Senator McClellan

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The Senate has passed legislation five times. It is time that the process be completed.

Mr. President, I ask unanimous consent that the Washington Post article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 8, 1976]

WEST GERMANY PLANS BROAD COMPENSATION
FOR CRIME VICTIMS

(By Michael Getler)

BONN.—A proposed law greatly expanding the duty of government to help victims of violent crime is making its way through the West German Parliament.

The measure, in the view of Justice Ministry officials here, is the most far-reaching yet developed among Western industrialized nations. The United States and others only belatedly are getting around to dealing with the innocent victims of a global increase in violent crime.

The West German law, which was approved by the lower house of Parliament here Friday, goes well beyond traditional social security, welfare and health care payments. If passed as expected by the upper house Feb. 20 for this nation of 61 million people, the law will do something West German experts say has never been done before—provide all victims of violent crime in a major nation with enough money to maintain their individual living standards.

A family breadwinner who becomes disabled as a result of unprovoked crime, and is forced to take work paying far less than what he earned while healthy, would be entitled to government money to raise his income.

A young worker with a family, who has not worked long enough to pay in very much to the basic social security system and whose family thus would not be entitled to much of an initial pension if the worker were killed by an attacker, would have his pension reevaluated on the basis of his likely earnings over the years.

A taxi driver who witnessed a violent crime, chases the attacker and wrecks his car in the process would be able to make a claim against the state for his losses and not have to hope that a kind-hearted insurance company will pay a bill that they can now legally avoid.

West German officials acknowledge that the plan will be expensive. Its first year cost is estimated at only about \$5 or \$6 million. But as new claims are added each year it is expected to nearly double by 1980. The cost is supposed to be borne by the 11 West German states rather than the federal government.

The West Germans are not pioneers in this area. The governments of New Zealand and Britain in 1964 were the first in the West to introduce programs for dealing more humanely with the victim of crime and not just the criminal.

The Dutch, Austrians, Australians and Swedes also have laws that provide some special compensation, as do some provinces in Canada and about 15 U.S. states including New York, California and Maryland.

The U.S. Senate has passed a bill that would allow a maximum \$25,000 payment to crime victims and President Ford has proposed a \$50,000 maximum payment, limited to victims of federal crimes. But crime victims in states that allow payments already have complained that compensation boards have been reluctant to grant adequate amounts of money.

"The awards to be made are not meant to represent full damages," the sponsors of the West German law wrote. "They must however, meet the social responsibility of the

A PROGRAM FOR COMPENSATION
OF CRIME VICTIMS

Mr. MANSFIELD. Mr. President, a week or so ago, the Washington Post published an article datelined Bonn which concerned West Germany's current efforts to establish a crime victims' compensation program. That account details some of the rationale that has compelled so many nations and States within our own land to, at long last, recognize the plight of the crime victim, to recognize that apprehension and prosecution of the criminal is only one part of the Government's responsibility.

Mr. President, it is my hope that these efforts of our sister nations will serve to encourage our own Government to face up to the crying need for the enactment of legislation at the national level aimed at aiding victims of crime. I hope that before this Congress adjourns, S. 1399—introduced by me—will be acted on by both bodies and signed into law. In doing so, this Nation would be joining England, Sweden, New Zealand, and other nations, as well as 15 of our own States.

It should be pointed out as well, in the case of foreign nations, that the U.S. Government has paid out millions of dollars to compensate citizens of foreign lands who happen to be victims of crimes committed by U.S. servicemen abroad.

Let me repeat that statement, Mr. President: It should be pointed out as well, in the case of foreign nations, that the U.S. Government has paid out millions of dollars to compensate citizens of foreign lands who happen to be victims of crime committed by U.S. servicemen abroad. There is simply no justification, in my judgment, for treating foreign nationals more favorably than citizens of the United States with respect to this issue.

It should be pointed out as well that, according to recent studies, it is the victim who is most responsible for solving crimes.

Let the record speak for itself, Mr. President. This Nation has been deficient in according the victim his rightful role in the criminal justice system.

general public and go beyond the principle of neediness," as defined by current federal social security programs.

"The victims must be compensated by the general public to such an extent that a social degradation of the affected persons themselves, of their families and dependents, is avoided," the law's drafters have written.

The West Germans have also come up with a unique way to operate their proposed new system. They will tie it to the existing federal law on war victims benefits. That law, which dates back to 1920 and the aftermath of World War I, has been a basic provider of compensation for millions of veterans here whose property and incomes were destroyed by two world wars. In effect, the West Germans are now seeking to put their peacetime civilian population under the same wartime umbrella in terms of their lives being lost or sharply altered by violent crimes.

In part, that decision was made because the enormous bureaucracy to handle war victims' claims—which still cover some 2.5 million people here—is already in place.

The West Germans, however, with the exception of terrorist attacks, are not suggesting that the reason behind the new law is that crime against society has become a form of warfare.

"The philosophy behind it goes back to the ancient law of Hammurabi in 1790 B.C.," said Johangeorg Schaetzler, the Justice Ministry official who has been working on drafting the new law since government leaders first officially tabled the idea in 1971.

"A principal of that ancient law was that society must take responsibility for such crimes; they must acknowledge that one task of the state is to protect its citizens and as far as they do not succeed, they should not restrict themselves strictly to prosecuting the criminal, as has been done until recently," he said.